

December 18, 2005

David Albright
Groundwater Office Manager
U. S. Environmental Protection Agency
Region 9
75 Hawthorne Street, Mail Code: WTR-9
San Francisco, CA 94105

Re: Determination of Indian Country Status of HRI Section 8

Dear Sir:

The undersigned are members of the Eastern Navajo Allottees Association. We are owners of allotted lands located in McKinley County, New Mexico. This area is also known as the Eastern Navajo Agency. We own and/or live on allotments in the vicinity of HRI's Section 8 property.

It is our position that Section 8 is not Indian Country for the following reasons.

1. Section 8 has not been set aside by the federal government for the use of Indians.
2. The fee 160 acre portion of Section 8 owned by HRI is not subject to federal supervision.
3. Section 8 contains 160 acres of fee land owned by HRI with the remaining 480 acres owned by the Bureau of Land Management. There is no Indian ownership associated with this section of land.
4. This property has historically been used by its non-Indian owners for uranium mining. It is the highest and best use of the property.

5. The fee portion of Section 8 is subject to taxation by McKinley County. In exchange for these taxes, McKinley County provides basic services including police protection, fire protection, emergency medical services and road maintenance.

6. Main access to the fee portion of Section 8 is provided by State Highway 566 which is maintained by the New Mexico Department of Transportation. There is also McKinley County Road 77, maintained by McKinley County, which provides road access to Section 8. There are no BIA or Navajo maintained roads in the vicinity of Section 8.

7. Public schools and school transportation for Section 8 and the Churchrock Chapter are provided by the Gallup/McKinley County public school system.


8. Neither the Churchrock Chapter nor Navajo Tribe provides any area infrastructure or services to the fee portion of Section 8.

9. The economic pursuits of the area, including and surrounding Section 8, would be enhanced by the finding that Section 8 is not Indian Country because it would allow HRI's proposed in situ operation to proceed, providing desperately needed jobs in the area and additional tax revenues to enhance services provided by McKinley County in the checkerboard area.

10. According to the McKinley County Comprehensive Plan Phase 2, August 22, 2005, White Paper Regarding Socioeconomics and Growth Analysis, Conditions, Issues and Policy Directions; the Navajo Nation has not designated the Churchrock Chapter as a primary or secondary growth center in Navajo Nation Economic Plans. Thus there are no competing economic pursuits in the area opposing HRI's proposed operations.

11. The Navajo Nation in the April 2005 ban of uranium mining and processing have deprived allottees of their rights as citizens of the Navajo Nation. The proposed law was secretly pushed through Navajo Nation legislative committees prior to being voted on by the Navajo Nation Council without opportunity of allottees, as Navajo Nation citizens, to respond. Yet non-indian lawyers/environmentalists were allowed to speak in support of the ban. The same happened before the Navajo Nation Council prior to voting on the issue: allottees, as citizens of the Navajo Nation, were refused the opportunity to speak, yet non-indians spoke before the Council.

12. Navajo allottees, like other citizens of New Mexico and the United States, aspire to own their land with full rights of alienation. A finding that fee land such as Section 8 is Indian Country would establish bad precedent for other Indian or non-Indian fee owners in the checkerboard region, and would deprive the allottees of their rights as landowners.


Mr. Benjamin A. House, President
P.O. Box 116
Continental Divide, NM 87312

12-18-05
Date

Allottee Name (Printed)	Allottee Signature
1. <u>Danny Charley</u>	<u>Danny Charley</u>
2. <u>LaVene D. Stillhammer</u>	<u>LaVene D. Stillhammer</u>
3. <u>Johnson Benally, Jr.</u>	<u>Johnson Benally Jr.</u>
4. <u>David Warner</u>	<u>David Warner</u>
5. <u>Lucilia Warner</u>	<u>Lucilia Warner</u>

Allottee Name (Printed)	Allottee Signature
6. Sherlleen Charley	Sherlleen Charley
7. Danny Charley	Danny Charley
8. Randy White	Randy White
9. Vanessa Beyale	Vanessa Beyale
10. Ordale Largo	Ordale Largo
11. Keevigil,	Kee Wigil
12. Ned Eadsithy	Ned Eadsithy
13. Christine Eadsithy	Christine Eadsithy
14. Sam Thompson	Sam Thompson
15. Evelyn Tom	Evelyn Tom
16. Shantel White	Shantel White
17. Katherine Jim	Katherine Jim
18. Annie Jim	Annie Jim
19. Rosemae Jim	Rosemae Jim
20. Alice Jim	Alice Jim
21. Wayne Anviso	Wayne Anviso
22. Audra Anviso	Audra Anviso
23. Dan Thompson	Dan Thompson
24. Ann Drew	Ann Drew
25. Ellen Chaco	Ellen Chaco
26. Andrew Eddie Chaco	
27. Eddie and Angie Chaco	Eddie Chaco

Allottee Name (Printed)	Allottee Signature
28. Anita Cayaditto	Anita Cayaditto
29. Lorraine Barboar	Lorraine Barboar
30. Lola Yazzie	Lola Yazzie
31. Brutus Thompson	Brutus Thompson
32. Taylor Slim	Taylor Slim
33. Ian Slim	Ian Slim
34. Ernest Becenti	Ernest Becenti - speaker
35. Becky Grubar	Becky Grubar
36. Jerry Degroat	Jerry Degroat
37. Johnson Slim Jr.	Johnson Slim Jr.
38. Gwentessat Slim	Gwentessat Slim
39. Beulah Grobar	Beulah Grobar
40. Bessie Slim	Bessie Slim
41. Mary Antonio	Mary Antonio
42. Johnnie Slim	Johnnie Slim
43. DJ Ramone	DJ Ramone
44. Gilson Cayaditto	Gilson Cayaditto
45. Lilly Salcido	Lilly Salcido
46. Lucille Begay	Lucille Begay
47. Florence Silver	Florence Silver
48. Larry M. Morris	PO Box #303, Crpt, NM 87313
49. Jimmy J Thompson	Jimmy J Thompson

Allottee Name (Printed)	Allottee Signature
50. Lynette Edsitty	Lynette Edsitty
51. Helen Thompson	Helen J Thompson
52. Laura Chaco	Laura Chaco
53. James Chaco	James Chaco
54. Ben Benally	Ben Benally
55. Louie R Benally	Louie R Benally
56. ANNIE H. SORRELL	Annie H. Sorrell
57. Jennifer Dixon	Jennifer Dixon
58. Caroline Largo	Caroline Largo
59. Bessie Largo	Bessie Largo
60. Gary Largo	Gary Largo
61. Rita Largo	Rita Largo
62. Lucy Brown	Lucy Brown
63. Pauline H. Brooks	Pauline H. Brooks
64. Farrah Slim	Farrah Slim
65. Leonard D. Arviso	Leonard Arviso
66. Tom Martin	Tom Martin
67. Bernice House	Bernice House
68. Ivan Slim	Ivan Slim
69. Ivan Slim	Ivan Slim
70. Nadine Delgarito	Nadine Delgarito
71. Gladys J. Yacine	Gladys J. Yacine

	Allottee Name (Printed)
72.	Garrett Yazzie
73.	Tommy Moses
74.	Tashia Largo
75.	Shelby Largo
76.	Raqueal Largo
77.	Amanda Gruber
78.	Ernestine Gruber
79.	Connie House
80.	Randia Orennan
81.	Dennalle Charley
82.	Marie Begay
83.	Art Yazzie Sr.
84.	Annie Julin
85.	ADRIAN SLIM
86.	Etheleen R. Moses
87.	Art W. Yazzie Jr.
88.	David Thompson
89.	Cecil Begay Jr.
90.	Melvin Thompson
91.	Vivian Barboan
92.	Michael Barboan
93.	James C. Thomas

	Allottee Signature
	Garrett Yazzie
	Tommy Moses
	Tashia Largo
	Shelby Largo
	Raqueal Largo
	Amanda Gruber
	Ernestine Gruber
	Connie House
	Randia Orennan
	Dennalle Charley
	Marie M. Begay
	Art W. Yazzie Sr.
	Annie Julin
	Adrian Slim
	Etheleen R. Moses
	Art W. Yazzie Jr.
	David Thompson
	Cecil Begay Jr.
	Melvin Thompson
	Vivian Barboan
	Michael Barboan
	James C. Thomas

Allottee Name (Printed)	Allottee Signature
94. Jonathan Wykoda House	Jonathan Wykoda House
95. <u>Brittany Showalter</u>	<u>Brittany Showalter</u>
96. <u>Ortencia Showalter</u>	<u>Ortencia Showalter</u>
97. <u>Stewart Barton</u>	<u>Stewart Barton</u>
98. <u>Stewart Barton III</u>	<u>Stewart Barton III</u>
99. <u>Aurelia Hernandez</u>	<u>Aurelia Hernandez</u>
100. <u>Henry Hernandez</u>	<u>Henry Hernandez</u>
101. <u>Vera Cantsee</u>	<u>Vera Cantsee</u>
102. <u>Wilford A. Sorell</u>	<u>Wilford A. Sorell</u>
103. <u>Thinnie Sam</u>	<u>Thinnie Sam</u>
104. <u>Red Sam</u>	<u>Red Sam</u>
105. <u>Xaron Sorell</u>	<u>Xaron Sorell</u>
106. <u>Mathew Begay</u>	<u>Mathew Begay</u>
107. <u>Marie Begay</u>	<u>Marie Begay</u>
108. <u>Demara Largo</u>	<u>Demara Largo</u>
109. <u>Dannell Vigil</u>	<u>Dannell Vigil</u>
110. <u>Johnson Slim Sr</u>	<u>Johnson Slim Sr</u>
111. <u>Lola Louis</u>	<u>Lola Louis</u>
112. <u>Geraldine Slim</u>	<u>Geraldine Slim</u>
113. <u>Norman Slim</u>	<u>Norman Slim</u>
114. <u>Evelyn Slim</u>	<u>Evelyn Slim</u>
115. <u>Harriett Garcia</u>	<u>Harriett Garcia</u>

Allottee Name (Printed)	Allottee Signature
116. <u>Wanyne Garcia</u>	<u>Wanyne Garcia</u>
117. _____	_____
118. _____	_____
119. _____	_____
120. _____	_____
121. _____	_____
122. _____	_____
123. _____	_____
124. _____	_____
125. _____	_____
126. _____	_____
127. _____	_____
128. _____	_____
129. _____	_____
130. _____	_____
131. _____	_____
132. _____	_____
133. _____	_____
134. _____	_____
135. _____	_____
136. _____	_____
137. _____	_____